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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,958	03/08/2001	Louise Mary Wasilewski	A-6979	8732

5642 7590 11/03/2005

SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/801,958	WASILEWSKI, LOUISE MARY	
	Examiner	Art Unit	
	John Manning	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot because they have been canceled and in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-22, 27-29, 33-34 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. (US Pat No 5,805,763).

In regard to claim 21, Lawler discloses a program recording system that is provided to allow a user of an interactive viewing system to record a preselected program (Abstract). The claimed limitation of "a storage device configured to store program information received from an input source, wherein the program information includes a plurality of content streams for a plurality of program events" is met by media server 32 of Figure 1. "In an alternative embodiment, a recording device is associated with the head end 12. The head end monitors the record tags of all system users and if any user has set a record tag, the head end controls the recording device to record the program. The recorded program is stored at the head end 12, preferably on the continuous media servers 32" (Col 13, Lines 26-33). The claimed steps of "provide a

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user option to select at least one desired subset of content streams for a particular program event for recording, wherein the subset excludes at least one available content stream” and “receive user input indicating at least one desired subset of content streams for recording” are met by Figure 5. The user chooses a program to record. By choosing a program to record, all other available content streams are excluded. “Once the menu is displayed, the system monitors for user input. In the exemplary future program options menu of FIG. 6, the future program options menu 136 includes an Order button 138, a Remind button 140, a Record button 130, and a Cancel button 132. As explained above the user can navigate between the buttons by moving the menu focus frame 134 with the navigation key 74. Pressing the action key 70 activates the button identified by the menu focus frame 134” (Col 11, Lines 23-31).

In regard to claims 22, 29 and 34, Lawler discloses that the stream contains video information. “Rather, the programming may include standard analog video signals (e.g., NTSC, PAL or SECAM), digital video signals (e.g., MPEG1 or MPEG2), digital information related to computer-executed applications, or other types of programming” (Col 3, Lines 63-67).

In regard to claim 27, the claimed at least one decode is met by digital decoder 54 of Figure 2.

In regard to claim 28, the claimed limitation of “receiving program information, wherein the program information includes a plurality of content streams for a plurality of program events” is met by Figure 6. “As used here, the servers 26 may include various types of memories for storing information and various types of processors for

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processing information. Various functions of the servers described here may be combined so as to be carried out by a single server or may be divided and allocated among more than one server. Moreover, there may likely be a variety of functions and services carried out by the servers 26 which are not described here" (Col 4, Lines 35-51). The claimed steps of "providing a user option to select at least one desired subset of content streams for a particular program event for recording, wherein the subset excludes at least one available content stream" and "receiving user input indicating at least one desired subset of content streams for recording" are met by Figure 5. The user chooses a program to record. By choosing a program to record, all other available content streams are excluded. "Once the menu is displayed, the system monitors for user input. In the exemplary future program options menu of FIG. 6, the future program options menu 136 includes an Order button 138, a Remind button 140, a Record button 130, and a Cancel button 132. As explained above the user can navigate between the buttons by moving the menu focus frame 134 with the navigation key 74. Pressing the action key 70 activates the button identified by the menu focus frame 134" (Col 11, Lines 23-31).

In regard to claim 33, Lawler discloses a receiver and control system as discussed for claims 21 and 28.

In regard to claim 38, Lawler discloses "a reverse path coupled to the control system, the reverse path configured to communicate user input to the control system" and "a distribution system configured to communicate the at least one requested content stream to the user device". "Preferably, the network 14 carries such

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bidirectional communication between the viewer stations 16 and the head end 12" (Col 5, Lines 30-31; Also see Col 4, Lines 60-67; Col 5, Lines 1-29).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23, 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. in view of Shideleff et al. (US Pat No 6,851,121)

In regard to claims 23, 30 and 35, Lawler fails to explicitly disclose that the subset of content stream include no more than two types of streams. Shideleff teaches removing superfluous data, leaving only video and audio data so as to prevent conflicts between devices. Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with removing superfluous data, leaving only video and audio data for the stated advantage.

6. Claims 24-26 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al.

In regard to claims 24 and 31, Lawler fails to explicitly disclose decryption device. Official notice is taken that it is notoriously well known in the art to encrypt a signal and offer a corresponding decryption device so as to prevent signal theft while allowing authorized user access to the information carried on the signal. Consequently, it would

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have been obvious to one of ordinary skill in the art to modify Lawler with a decryption device for the stated advantage.

In regard to claim 25-26 and 32, Lawler fails to explicitly disclose identifying a packet identifier and parsing an MPEG table. Official notice is taken that it is notoriously well known in the art to identifying a packet identifier and parsing an MPEG table so as to obtain information about the stream. Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with identifying a packet identifier and parsing an MPEG table for the stated advantage.

7. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. in view of Hoffberg et al. (US Pat No 6,418,424).

In regard to claims 36-37, Lawler fails to explicitly disclose a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator. Hoffberg teaches the modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator so as to allow proper communications between the transmitting site and receiving site. Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator for the stated advantage.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

October 16, 2005



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600